



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of:

Docket No.: P27094

Michelle Y. Kim *et al.*

Serial No.: 09/200,985

Group Art Unit: No. 2176

Filed: November 30, 1998

Examiner: NGUYEN, Maikhanh

For: **PROGRESSIVE ADAPTIVE TIME STAMP RESOLUTION
IN MULTIMEDIA AUTHORING**

United States Patent and Trademark Office
Customer Service Window, Mail Stop: Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated April 22, 2005, Applicants respectfully request the Non-Compliant Appeal Brief rejection be withdrawn.

Applicant's filed an Appeal Brief on February 09, 2004 and submit that the claims filed in the Appeal Brief are the same claims filed in Applicant's Final Amendment dated August 21, 2003. Applicants submitted a Final Amendment along with filing a Request for Continued Examination (RCE) on August 21, 2003. A stamped post card reflecting the date of August 21, 2003, and the filing of the Final Amendment and RCE is attached hereto evidencing the filing of the amendment. A copy of the Amendment is enclosed showing that the claims in this amendment are identical to the claims filed in the Appeal Brief.

It appears the Examiner's Non-compliant Appeal Brief rejection was mistakenly based on Applicant's Amendment dated April 17, 2003 and not Applicant's Final Amendment of August 21, 2003. Moreover, Applicant's have reviewed the claims of

Applicant's Final Amendment with the claims of Applicant's Appeal Brief and submit the claims are the same.

Examiner's Supervisor, Joseph Field, on May 12, 2005 acknowledged the above mistake by the Examiner. Supervisor Examiner Field further explained the Examiner's Final Office of October 27, 2003 may have been improper, due to the fact the Examiner reviewed the wrong Amendment, Applicant's amendment dated April 17, 2003 instead of Applicant's most recent Final Amendment dated August 21, 2003.

Applicant respectfully requests the Non-Compliant Appeal Brief rejection be withdrawn, since the basis of the rejection appears improper.

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **IBM Deposit Account No. 50-0510**.

Respectfully submitted,

Michelle Y. Kim *et al.*



Andrew M. Calderon
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May 12, 2005
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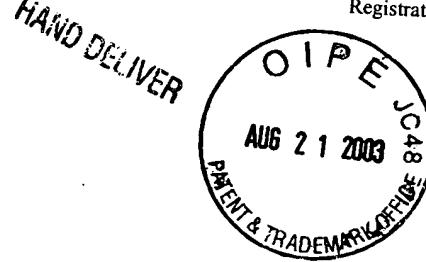
Date: August 21, 2003
Group Art.: 2176
Examiner: M. Nguyen
Atty. Docket: 0280446AA

Commissioner for Patents:

Please place the Patent Office receipt stamp hereon to acknowledge receipt of the following:

1. A Request for Continued Examination Transmittal;
2. An Amendment Under 37 C.F.R. §1.116; and
3. Two Acknowledgement postcards.

Andrew M. Calderon
Registration No. 38093



COPY

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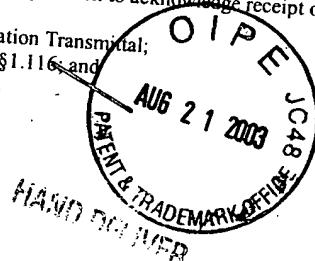
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Assistant Commissioner of Patents and Trademarks:

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Attorney Docket No. P27094

In re application of: Michelle Y. KIM et al.

Mail Stop Amendment

Group Art Unit : 2176

Application No. : 09/200,985

Examiner : NGUYEN, Maikhanh

Filed : November 30, 1998

For : PROGRESSIVE ADAPTIVE TIME STAMP RESOLUTION IN MULTIMEDIA AUTHORING

Commissioner for Patents

U.S. Patent and Trademark Office

Customer Service Window, Mail Stop Amendment

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Sir:

Transmitted herewith is a **Response to Notification of Non-Compliant Appeal Brief** in the above-captioned application.

Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

A Request for Extension of Time.

Attachments: Copies of Request for Continuation Examination Transmittal, Amendment under 37 C.F.R. §1.116, and 2 date-stamped returned receipt postcards (filed August 21, 2003).

No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 7	*20	0	x25=	\$	x 50=	\$0.00
Indep. Claims: 1	**3	0	x100=	\$	x200=	\$0.00
Multiple Dependent Claims Presented			+180=	\$	+360=	\$0.00
Extension Fees for <u> </u> Month(s)				\$		\$0.00
* If less than 20, write 20 ** If less than 3, write 3			Total:	\$	Total:	\$0.00

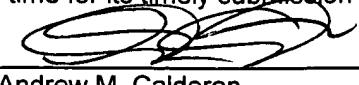
Please charge my Deposit Account No. 50-0510 in the amount of \$.

A check in the amount of \$ to cover the filing/extension fee is included.

The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0510.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).


Andrew M. Calderon
Reg. No. 38,093